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To: "NPDES_CAFO@rb5s.swrcb.ca.gov" <NPDES_CAFO@rb5s.swrcb.ca.gov>
Date: Fri, Nov 5, 2004 4:19 PM
Subject: draft permit comments

Dear Polly,

The attached comments on Administrative Draft National Pollutant Discharge Elimination System General Permit and Waste Discharge Requirements General Order for Existing Concentrated Animal Feeding Operations (Milk Cow Dairies) are respectfully submitted.

Denise

D. Denise Mullinax

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November 5, 2004

Polly Lowry
Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670

Re: Comments regarding the Administrative Draft National Pollutant Discharge Elimination System General Permit and Waste Discharge Requirements General Order for Existing Concentrated Animal Feeding Operations (Milk Cow Dairies)

Dear Ms. Lowry:

Hilmar Cheese Company is located in Hilmar, California in the northern San Joaquin Valley. We process over 9 million pounds of milk each day, which comes from more than 275 dairies located throughout the San Joaquin Valley and the northern coastal Petaluma area. Hilmar Cheese Company is a firm believer in research-based regulations for the long-term mutual benefit of the dairy industry and the general public. We are an active partner in the California Dairy Quality Assurance Program (CDQAP), the state's unique education-based compliance program, and are the only company in the state to have paid an environmental bonus to producers upon certification in CDQAP. To date, we have paid over \$1.9 million to producers who have taken a proactive approach to environmental stewardship and have voluntarily attended the short course, made improvements to their facility and undergone the third-party audit to complete certification. Although this figure does not compare with the total dollars spent on-farm to improve the environment, this bonus program served as a clear signal to our producers that proactive environmental stewardship is a priority to Hilmar Cheese Company.

Our company is well aware of the water quality issues facing the San Joaquin Valley and believes it is critical that everyone, including the dairy industry, do their part to protect our precious environmental resources. We understand the Regional Board's responsibility to comply with federal rule for Concentrated Animal Feeding Operations (CAFOs) and have read the administrative draft permit. And, although we appreciate the opportunity to comment, we have grave concerns over the general draft philosophy and the lack of incorporation of stakeholder input. Hilmar Cheese Company representatives along with other stakeholders have participated in several discussions with regional board

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staff in an attempt to cooperatively develop a general permit that provides the maximum environmental protection while requiring reasonable, logical management and reporting requirements and providing positive incentives for voluntary environmental compliance through programs such as the California Dairy Quality Assurance Program. This goal was not reached in the current permit draft.

Our key concern is that the draft permit, as currently written, focuses on tedious activity check-off and outside professional signatures rather than on environmental compliance. It provides no positive incentive for compliance.

Although we have concerns over several of the requirement details in the draft, we will restrict our comments at this stage of the process to general subject areas which distress us due to their lack of positive impact on the environment and inability to implement on-farm. In short, our primary areas of concern include: non-inclusion of an incentive for compliance, engineering certification requirements for *management* practices, groundwater monitoring well requirements on all facilities over a given size threshold, and onerous sampling, monitoring and reporting requirements with no real environmental benefit.

Non-inclusion of an incentive for compliance

The current draft lacks a producer incentive for compliance in two respects. First and foremost, the draft fails to incentivize or even recognize participation in the California Dairy Quality Assurance Program. This pioneering, voluntary program has single-handedly moved the California dairy industry's environmental stewardship level forward monumental steps. Its three-pronged approach including education, management planning and third-party verification is unprecedented. The educational component informs producers of not only what is required of them, but *why* it is important and "how-to" management options to accomplish compliance. The manure management planning and third-party verification steps ensure that adequate infrastructure, planning and management oversight are in-place to protect the environment. The final general permit should encourage participation in this industry-led, compliance-driven program by allowing certification to be substituted for engineering and professional sign-off of certain infrastructure calculations and management plans. Secondly, producers who have shown compliance should have less onerous reporting requirements. Governmental agencies should focus scant resources to oversee and enforce facilities which exhibit the greatest threat to the environment.

Engineering certification requirements for management practices

Engineering sign-off requirements should be limited to areas which include the need to adhere to structure specifications and not extend into management areas. In many cases licensed engineers are not the most qualified for such management plan development and only add significant cost to the project. Management plans are most effective when generated and implemented by the actual facility manager. In addition, a hired engineer or professional does not have ultimate control of the daily management practices and will

therefore be hesitant to sign-off on such plans.

Groundwater monitoring well requirements on all facilities over a given size threshold
Installation of groundwater monitoring wells should only be required on new or expanding dairies that exhibit a significant threat to groundwater. Well requirement decisions for existing facilities should be made on a case-by-case basis due to special circumstances such as location in a sensitive area, a violation history, etc.

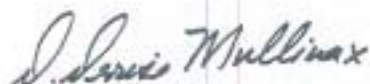
Groundwater monitoring data provides no information for current or future management decisions, and instead reflects only on the past. As with any industry, dairy on-farm economic resources are limited and need to be wisely invested to achieve the most environmental benefit. University of California scientists in groundwater hydrology and soil microbiology have indicated that proper application of nutrients is the most critical factor in preventing pollution. Stepped-up nutrient monitoring through increased soil, manure and plant tissue testing as part of the nutrient management plan should be allowed to substitute for groundwater monitoring wells on facilities without extenuating circumstances.

Onerous sampling, monitoring and reporting requirements with no real environmental benefit

Sampling, monitoring and reporting requirements need to be streamlined and simplified. Several of the requirements are well beyond those of the federal CAFD rule. Monetary resources should be spent prudently and purposefully on tests that provide useful data for management decisions. Management time is better spent on activities that protect the environment vs. tedious record keeping. Wherever possible, exception reporting should replace daily, weekly or monthly notation requirements. Standardized forms should be supplied to promote consistent, concise and accurate information. Reporting deadlines and requirements should be simple and relevant to the information included within the report.

Again, we appreciate the opportunity to provide input on the administrative draft. We hope that the regional board members and staff will reconsider the permit direction. As always, we are willing to work in cooperation with staff and other stakeholders to create an effective, environmentally protective program that incorporates clear incentives for compliance and voluntary program participation.

Sincerely,



D. DENISE MULLINAX
Dairy Environmental & Quality Coordinator